

# **EXHIBIT E**

**Declaration of Iris Jasmin Martinez**

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Attorneys for Defendants

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Eugene Scalia,  
Secretary of Labor,  
United States Department of Labor,

Plaintiff,

vs.

Unforgettable Coatings, Inc., a Nevada  
Corporation; Unforgettable Coatings of Idaho,  
LLC, dba Unforgettable Coatings, a Nevada  
Limited Liability Company; Unforgettable  
Coatings of Arizona, LLC, dba Unforgettable  
Coatings, an Arizona Limited Liability  
Company; Unforgettable Coatings of Utah,  
Inc., dba Unforgettable Coatings, a Utah  
Corporation; Shaun McMurray, an individual;  
Shane Sandall, an individual; Cory  
Summerhayes, an individual

Defendants.

Case No.: 2:20-cv-00510-KJD-BNW

**DECLARATION OF IRIS JASMIN  
MARTINEZ IN SUPPORT OF  
DEFENDANT'S RESPONSE TO  
PLAINTIFF'S MOTION FOR  
PRELIMINARY INJUNCTION**

I, Iris Jasmin Martinez, declare as follows:

1. I make this declaration in support of Defendant's Response to Plaintiff's Motion for Preliminary Injunction filed by Plaintiff Eugene Scalia, Secretary of Labor, United States Department of Labor in the U.S. District Court, District of Nevada, Case Number 2:20-cv-00510-KJD-BNW.

1           2.       I declare that I am over the age of eighteen and have personal knowledge of the  
2 facts stated herein based on my employment with Unforgettable Coatings (hereinafter, "UCI").

3           3.       My foreman is Angel Perez ("Mr. Perez"). I was present at an onsite meeting that  
4 Mr. Perez conducted at Acacias HOA on March 18, 2020. During that meeting, Mr. Perez  
5 announced that the corona virus and business closures had impacted the Company and that the  
6 Company intended to reduce discretionary bonus pay for everyone, including my work group, in  
7 an effort to avoid layoffs.

8           4.       In response, some of the other employees, grew angry. I cannot recall their names  
9 because I had worked for UCI for only a short time prior to the meeting. However, I would be  
10 able to recognize these employees by sight and recall that one was nicknamed "El Perro." These  
11 employees said they did not believe Mr. Perez. They said that they did not believe that Mr. Perez  
12 would also be taking a pay cut. They demanded to speak to UCI's President, Cory Summerhays  
13 ("Mr. Summerhays").

14           5.       Mr. Perez called Mr. Summerhays and put him on speakerphone. Three employees  
15 circled around the phone and told Mr. Summerhays they did not believe Mr. Perez. Mr.  
16 Summerhays explained what was happening, that hourly wage rates would remain the same but  
17 that the amount of bonus pay might be reduced there were less jobs, and that everyone was taking  
18 a little less to make sure that everyone was able to keep working. The three employees grew mad  
19 and started to say disrespectful things to Mr. Summerhays. They told Mr. Summerhays to "clean  
20 your own building," meaning that Mr. Summerhays should come to the jobsite and finish the job  
21 himself because they were leaving. Mr. Summerhays remained calm. He did not tell the  
22 employees that they were fired. After the phone call with Mr. Summerhays ended, these  
23 employees began to laugh.

24           6.       Some of the employees then walked off the jobsite.

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IRIS JASMIN MARTINEZ

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